

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

|                                |   |                     |
|--------------------------------|---|---------------------|
| In the Matter of:              | ) |                     |
|                                | ) |                     |
| Amendment of Section 73.202(b) | ) | MB Docket No. _____ |
| Table of Allotments            | ) | RM No. _____        |
| FM Broadcast Stations          | ) |                     |
| (Pima, Arizona)                | ) |                     |
|                                | ) |                     |

To: Office of the Secretary  
Attn: The Chief, Audio Division, Media Bureau (Allocations)

**PETITION FOR RULE MAKING**

1TV.Com, Inc., (the “Petitioner”) by its attorneys, pursuant to Section 1.401 of the Commission's rules, hereby seeks the commencement of a rule making proceeding to amend the FM Table of Allotments, 47 C.F.R. 73.202(b), or in the alternative to make commensurate changes in the FM table of allotments maintained in the Consolidated Data Base System (“CDBS”), as may be applicable, to specify the allotment on the non-reserved band of FM Channel 278A\* in lieu of vacant FM Channel 296A\* at Pima, Arizona, as follows:

| <u>Community</u> | <u>Existing</u> | <u>Proposed</u> |
|------------------|-----------------|-----------------|
| Pima, AZ         | 296A*           | 278A*           |

A Technical Report is attached showing that FM Channel 278A\* may be assigned to Pima, Arizona in accord with the Commission’s allocations rules and policies.

This proposal is in accord with the changed policy on changes to vacant allotments announced in *Enfield, New Hampshire; Hartford and White River Junction, Vermont; and Keeseville and Morrisonville, New York*, Memorandum Opinion and Order, 26 FCC Rcd 798

(2011) (prohibiting the reallocation, class down-grade or deletion of a vacant FM allotment). As clarified in *Brackettville, Texas*, Report and Order, 26 FCC Rcd 7597 (MB 2011), the Commission will permit parties to propose same-class channel substitutions for vacant FM allotments in order to accommodate proposals in technically-related FM allotment and/or application filings because same-class channel substitutions do not disturb final Section 307(b) determinations upon which the allotments were based.

Petitioner has on file a hybrid application in which the substitution of FM Channel 278A\* for vacant FM Channel 296A\* is proposed to enable service enhancements to KIKO-FM, Claypool, Arizona (FCC File No. BPH-20151123AAY). The filing of this Petition for Rule Making is part of that hybrid application.

FM Channel 296A was initially allotted to Pima, Arizona as a commercial channel in *Pima, Arizona*, Report and Order, 12 FCC Rcd 18060 (Allocations Branch 1998). The Pima, Arizona Channel 296A allotment remained vacant until 2005 when it was modified in *Pima, Arizona*, Report and Order, 20 FCC Rcd 11137 (MB 2005) to reserve FM Channel 296A\* for noncommercial educational (“NCE”) use.

As a result of an NCE filing window (*Media Bureau Announces Filing Window for Vacant FM Allotments Reserved for Noncommercial Educational Use*, Public Notice, 24 FCC Rcd 12621 (MB 2009)), the mutually-exclusive application of Arizona Board of Regents for the Benefit of the University of Arizona (FCC File No. BNPED-2010025AAU) was selected as the tentative applicant in *Comparative Consideration of 37 Groups of Mutually Exclusive Applications*, Memorandum Opinion and Order, 26 FCC Rcd 7008 (2011). A construction permit was granted to the Arizona Board of Regents for the Benefit of the University of Arizona


for Channel 296A\* application on June 27, 2011 and subsequently assigned the call sign KUAE(FM).

The Arizona Board of Regents for the Benefit of the University of Arizona surrendered the KUAE(FM) construction permit on June 2, 2014. By FCC Public Notice Report No. 48257 in the June 10, 2014 Daily Digest, the KUAE(FM) construction permit was cancelled. The Channel 296A\* Pima, Arizona allotment became vacant as a result of the cancellation of the KUAE(FM) construction permit and remains vacant today.

WHEREFORE, for the reasons above, Petitioner respectfully requests the commencement of a rule making proceeding proposing the substitution of FM Channel 278A\* for vacant FM Channel 296A\* at Pima, Arizona.

Respectfully submitted,

**1TV.Com, Inc.**

By  \_\_\_\_\_  
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April 11, 2016

## TECHNICAL REPORT

This Technical Report has been developed in support of a proposed rulemaking requesting the substitution of channel 278A for vacant channel 296A at Pima, AZ at the current allotment site.

### Summary of Proposed Allocations Changes:

| <u>Community</u> | <u>Existing</u> | <u>Proposed</u> | <u>Coordinates</u>     |
|------------------|-----------------|-----------------|------------------------|
| Pima, AZ         | 296A            | 278A*           | N 32-39-46 W 109-45-16 |

\* It is also noted that channels 248A, 252A, 287A, 289A and 291A may be assigned at this reference point.

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A channel study is provided as E1 demonstrating that 278A may be assigned in accordance with the Commission's allocations rules and policies. The proposed allocation will encompass Pima, AZ with a 70 dBu contour as demonstrated in exhibit E2.



Charles M. Anderson 4/06/2016  
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## E1 PIMA, AZ CHANNEL 278

| REFERENCE                           |                              | DISPLAY DATES   |
|-------------------------------------|------------------------------|-----------------|
| 32 49 46.0 N.                       | CLASS = A Int = A            | DATA 04-07-16   |
| 109 45 16.0 W.                      | Current Spacings to 3rd Adj. | SEARCH 04-07-16 |
| ----- Channel 278 - 103.5 MHz ----- |                              |                 |

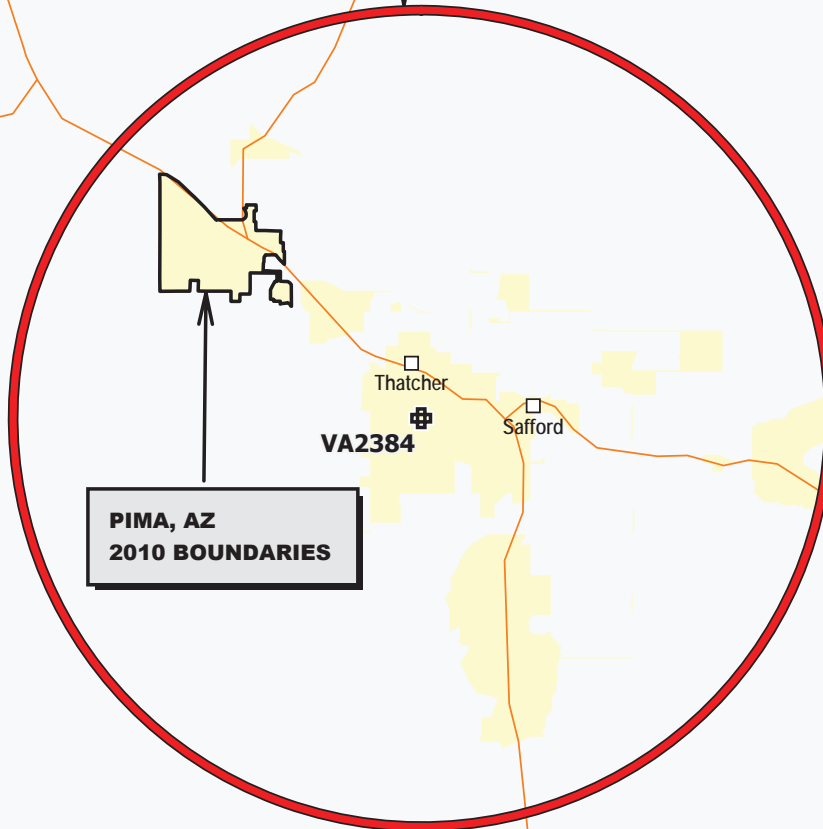
| Call   | Channel     | Location  |    | Azi   | Dist   | FCC   | Margin |
|--------|-------------|-----------|----|-------|--------|-------|--------|
| KXBK   | CP 278C3    | Taylor    | AZ | 353.6 | 153.64 | 141.5 | 12.1   |
| KXBK   | LIC 278C3   | Taylor    | AZ | 353.6 | 153.68 | 141.5 | 12.2   |
| R10905 | DEL 279C3   | Lordsburg | NM | 109.5 | 104.05 | 88.5  | 15.6   |
| KCDX   | CP -D 276C  | Florence  | AZ | 267.5 | 113.31 | 94.5  | 18.8   |
| R10905 | VAC 279C1   | Animas    | NM | 129.0 | 154.82 | 132.5 | 22.3   |
| XHRZFM | --- 278B    | Nogales   | SO | 214.2 | 201.50 | 162.5 | 39.0   |
| XHRZFM | OPE 278B    | Nogales   | SO | 214.2 | 201.50 | 162.5 | 39.0   |
| KCDX   | LIC-N 276C1 | Florence  | AZ | 297.6 | 114.04 | 74.5  | 39.5   |

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Reference station has protected zone issue: Mexico- AM tower  
All separation margins include rounding

**EXHIBIT E2**

**Latitude: 32-49-46 N**  
**Longitude: 109-45-16 W**  
**Channel: 278**  
**Frequency: 103.5 MHz**

**CLASS A 70 DBU = 16.2 KM**



**PIMA, AZ  
2010 BOUNDARIES**

**VA2384**

Thatcher

Safford

Scale 1:300,000

0 4 8 12 km

*Anderson Communications, LLC*

V-Soft Communications LLC ® ©